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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,189	04/26/2001	Masaki Mukai	2001-0510A	7261

513 7590 09/22/2004

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EXAMINER

PEREZ DAPLE, AARON C

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



## Office Action Summary

**Application No.**

09/842,189

**Applicant(s)**

MUKAI ET AL.

**Examiner**

Aaron C Perez-Daple

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 27-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 27-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) <sup>0</sup>
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_



### DETAILED ACTION

1. This Action is in response to Amendment filed 5/28/04, which has been fully considered.
2. Claims 1-26 are cancelled by Applicant.
3. New claims 27-50 are presented for examination.
4. This Action is FINAL.

### *Claim Rejections - 35 USC § 112*

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. **Claims 35, 38, 43, 46 and 48** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, lines 3-5 of the claims recite selecting, accepting or determining a command, “from among ‘lock operation’, ‘unlock operation’, and ‘set password.’ Because “from among” does not have a standard meaning, it is not clear whether the Applicant intends to claim a set *consisting of* these elements, *comprising* these elements, or merely a set including *at least one of* these elements. For the purpose of applying prior art, the Examiner interprets that a set including at least one of these elements is sufficient to meet the limitations of the claim.

### *Claim Rejections - 35 USC § 102*

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:



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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. **Claims 27-29, 32, 36, 39, 40, 44, 47** are rejected under 35 U.S.C. 102(e) as being

anticipated by Xydis (US 6,307,471 B1) (hereinafter Xydis).

9. As for claims 27 and 39, Xydis discloses an information terminal for performing radio

communication with an information processing apparatus comprising:

a first input unit operable to accept an input operation and to output a signal responsive to the input operation (antenna 18', Fig. 3; col. 2, line 66 – col. 3, line 65);

a processing unit operable to process the signal outputted from said first input unit and to generate an output signal (processor 24', Fig. 3; col. 2, line 66 – col. 3, line 65); and

a communication unit operable to convert the output signal and to transmit the converted signal to the information processing apparatus (measurement device 20', Fig. 3; col. 2, line 66 – col. 3, line 65);

wherein said information terminal is operable to disable one of a start or a function of the information processing apparatus responsive to the input operation (col. 3, lines 22-65).

10. As for claims 28 and 40, Xydis discloses the apparatus and method of claims 27 and 39

for performing radio communication with said information terminal, wherein said information processing apparatus comprises:

a transmitting and receiving unit operable to perform radio communication with said information terminal (antenna 19', Fig. 3);



a locking unit operable to disable one of a start or a function of said information processing apparatus (col. 1, lines 27-36; col. 3, lines 22-65);

one of a radio field strength detector operable to measure a field strength of a received signal transmitted from said information terminal or a location detector operable to detect a location of said information processing apparatus (measurement device 21', Fig. 3); and

an out-of-range determining and informing unit operable to judge one of the measured field strength of the received signal or the detected location of said information processing apparatus, and to output a notice signal to said locking unit when one of the measured field strength of the received signal or the detected location of the information processing apparatus is out of a predetermined range (col. 3, lines 22-65);

wherein said locking unit is operable to be activated by one of the input operation accepted by said first input unit or the notice signal (col. 3, lines 22-65).

11. As for claim 29, Xydis discloses the information processing apparatus according to claim 28, further comprising:

a function determining unit operable to determine a command included in a signal transmitted from said information terminal through said transmitting and receiving unit of said information processing apparatus (col. 3, line 66 – col. 4, line 11);

a password setting unit operable to set a password that is transmitted from said information terminal through said function determining unit (inherent for setting passwords stored in user code database, as understood by one of ordinary skill in the art; col. 3, line 66 – col. 4, line 11);



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a password memory operable to store a password through said password setting unit (user code database; col. 3, line 66 – col. 4, line 11); and

an unlocking unit operable to enable one of a start or a function of said information processing apparatus (col. 3, line 38 – col. 4, line 41);

wherein said unlocking unit is operable to be activated when the password stored in said password memory is matched with a password received from said communication unit of said information terminal (col. 3, line 66 – col. 4, line 41).

12. As for claim 32, Xydis discloses the information terminal according to claim 27, further comprising:

a display unit operable to display at least one of an image or text by processing a received signal transmitted from said information processing apparatus through said processing unit (display, Fig. 3);

a locking unit operable to disable one of a start or a function of said information terminal or to disable at least one of said first input unit or said display unit of said information terminal (col. 3, lines 22-65);

a radio field strength detector operable to measure a field strength of the received signal transmitted from said information processing apparatus (measurement device 21', Fig. 3; col. 2, line 66 – col. 3, line 65); and

an out-of-range determining and informing unit operable to judge the measured field strength of the received signal transmitted from said information processing apparatus and to output a notice signal to said locking unit of said information terminal so as to activate said locking unit of said information terminal when the measured field strength of the received



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signal transmitted from the information processing apparatus is out of a predetermined range (col. 3, lines 22-65).

13. As for claim 36, Xydis discloses an information processing system including an information terminal and an information processing apparatus which are operable to perform radio communication with each other, wherein:

said information terminal comprises

a first input unit operable to accept an input operation and to output a signal responsive to the input operation accepted for said first input unit (antenna 18', Fig. 3; col. 2, line 66 – col. 3, line 65);

a processing unit operable to process the signal outputted from said first input unit and to generate an output signal (processor 24', Fig. 3; col. 2, line 66 – col. 3, line 65); and

a communication unit operable to convert the output signal and to transmit the converted signal to the information processing apparatus (measurement device 20', Fig. 3; col. 2, line 66 – col. 3, line 65); and

said information processing apparatus comprises

a locking unit operable to disable one of a start or a function of said information processing apparatus (col. 1, lines 27-36; col. 3, lines 22-65);

wherein said information terminal is operable to disable one of a start or a function of the information processing apparatus responsive to the input operation (col. 3, lines 22-65).

one of a field strength detector operable to measure a field strength of a received signal transmitted from said information terminal or a location detector operable to detect a location of said information processing apparatus (measurement device 21', Fig. 3); and



an out-of-range determining and informing unit operable to judge one of the measured field strength of the received signal or the detected location of said information processing apparatus, and to output a notice signal to said locking unit when one of the measured field strength of the received signal or the detected location of the information processing apparatus is out of a predetermined range (col. 3, lines 22-65);

wherein said locking unit of said information processing apparatus is operable to be activated by one of the input operation accepted by said first input unit or the notice signal outputted from said out-of-range determining and informing unit of said information processing apparatus (col. 3, lines 22-65).

14. As for claim 44, Xydis discloses a control method for an information processing apparatus for controlling an information terminal and an information processing apparatus to mutually perform communication with each other, wherein:

in the information processing apparatus; said control method comprises

receiving a radio signal transmitted from the information terminal (signal 10, Fig. 2; col. 3, lines 13-21),

outputting a notice signal responsive to at least one of a field strength of the received radio signal transmitted from the information terminal or a location of the information processing apparatus (signal from measurement device 20, Fig. 2; col. 3, lines 38-65), and

disabling one of a start or a function of the information processing apparatus responsive to the notice signal outputted in said outputting of the notice signal (col. 3, lines 38-65); and

in the information terminal, said control method comprises



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accepting an input operation inputted to the information terminal and outputting a signal responsive to the input operation inputted to the information terminal (signal 10', Fig. 3; col. 2, line 66 – col. 3, line 65),

processing the signal outputted in said outputting of the signal responsive to the input operation inputted to the information terminal, and generating an output signal (col. 3, lines 22-65),

converting the output signal and transmitting the converted signal to the information processing apparatus (col. 3, lines 22-65), and

disabling one of a start or a function of the information processing apparatus responsive to the input operation inputted to the termination terminal (col. 3, lines 38-65).

15. As for claim 47, Xydis discloses a control method for an information processing apparatus for performing radio communication with an information terminal, said control method comprising:

measuring a field strength of a received signal transmitted from the information terminal (col. 2, line 66 – col. 3, line 65),

judging the measured field strength of the received signal and outputting a notice signal when the measured field strength of the received signal is judged to be out of a predetermined range (col. 2, line 66 – col. 3, line 65), and

disabling one of a start function of the information processing apparatus responsive to the notice signal outputted in said outputting of the notice signal (col. 2, line 66 – col. 3, line 65).



16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. **Claims 30, 31, 33, 34, 37, 41, 42, 45, 49 and 50** are rejected under 35 U.S.C. 103(a) as being unpatentable over Xydis in view of O'Mahony (US 6,457,129 B2) (hereinafter O'Mahony).
18. Claims 30, 31, 33, 34, 37, 41, 42, 45, 49 and 50 are rejected for the same reasons as claims 27-29, 32, 36, 39, 40, 44, 47 under 35 U.S.C. 102(e) above. However, Xydis does not specifically disclose a location detector for detecting a position by using a global positioning system. O'Mahony teaches a location detector for detecting a position by using a global positioning system and an out-of-range determining unit for determining when an apparatus is out of a predetermined range (col. 2, lines 3-12; Fig. 4). O'Mahony further teaches locking the system in response to a signal from the out-of-range determining unit (col. 5, lines 18-30; Fig. 5) and a range memory for storing range information (memory 203, Fig. 2; col. 2, lines 46-52). O'Mahony provides a different solution to the same fundamental problem solved by Xydis: controlling access to a computer system based on the location of the user.

It would have been obvious to one of ordinary skill in the art to modify Xydis by using a global positioning system for detecting a position and an out-of-range determining unit for determining when an apparatus is out of a predetermined range, because this would allow for



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controlling access to a computer system based on a user location, as taught by O'Mahony (col. 2, lines 3-12, "A method and apparatus...the authorized location.").

19. **Claims 35, 38, 43, 46 and 48** are rejected under 35 U.S.C. 103(a) as being unpatentable over Xydis in view of Doub et al. (US 6,549,762 B1) (hereinafter Doub).
20. Claims 35, 38, 43, 46 and 48 are rejected for the same reasons as claims 27-29, 32, 36, 39, 40, 44, 47 under 35 U.S.C. 102(e) above. Xydis teaches a function selector and method for selecting, determining and accepting an unlocking or locking operation (col. 3, line 66 – col. 4, line 11). However, Xydis does not specifically disclose a password setting unit in the information terminal operable to receive and set a password as further recited in the claims. Doub teaches a password setting unit in an information terminal operable to receive and set a password (col. 4, lines 26-37). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Xydis by using a password setting unit in the information terminal operable to receive and set a password in order to improve security and convenience in electronic device displays, as taught by Doub (col. 1, lines 38-46) .

### ***Response to Arguments***

21. Applicant's arguments filed 5/28/04 with respect to the Xydis (US 6,307,471 B1) reference have been fully considered but they are not persuasive.
22. With respect to claims 27, 39 and 44, on pg. 20 of the Remarks Applicant asserts that because Xydis fails to disclose an input unit through which the wearer of the token can enter key entry data, Xydis fails to teach the limitation of a first input unit operable to accept an input operation. The Examiner respectfully disagrees. First, the Examiner notes that the



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claim does not recite “an input unit through which the wearer of the token can enter key entry data,” therefore this point is moot. Second, the term “an input operation” has not been specifically defined in the claims nor the disclosure. Therefore, under the broadest reasonable interpretation of the claims, the Examiner interprets that the first input unit is antenna 18’ and the input operation is the input of signal 10’. See also col. 2, line 66 – col. 3, line 65.

Contrary to Applicant’s assertion at the bottom of pg. 20, Xydis further discloses accepting an input operation and disabling one of a start or a function of the information processing apparatus responsive to the input operation. See col. 3, lines 22-65.

Therefore Xydis properly anticipates all the limitations of claims 27, 39 and 44.

23. On pg. 21 of the Remarks, Applicant makes analogous arguments with respect to claims 36 and 47. These limitations are properly anticipated by Xydis for the same reasons presented above with respect to claims 27, 39 and 44.

### ***Conclusion***

24. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory



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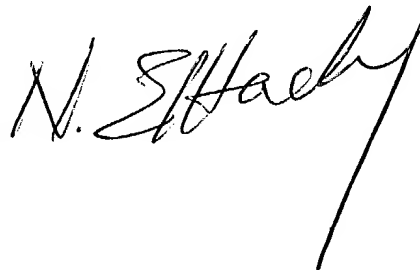
period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron C Perez-Daple whose telephone number is (703) 305-4897. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aaron Perez-Daple

A handwritten signature in black ink, appearing to read "N. E. Hachy", with a long, sweeping diagonal stroke extending downwards and to the right.